

1 Honorable Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 COLLEGE REPUBLICANS OF THE
8 UNIVERSITY OF WASHINGTON; and
9 CHEVY SWANSON, an Individual,

10 Plaintiffs,
11 v.
12

13 ANA MARI CAUCE, in her official capacity
14 as president of the University of Washington;
15 GERALD J. BALDASTY, in his official
16 capacity as provost and executive vice
17 president; RENE SINGLETON, individually
18 and in her official capacity as assistant director,
19 Student Activities; CHRISTINA COOP,
20 individually and in her official capacity as
senior activities advisor, Student Activities;
JOHN N. VINSON, individually and in his
official capacity as Chief of the University of
Washington, Seattle, Police Department;
CRAIG WILSON individually and in his
official capacity as University of Washington,
Seattle, Police Department Patrol Commander;
and DOES 1-25;

21 Defendants.
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No. 2:18-CV-00189 MJP

SECOND DECLARATION OF JOHN
N. VINSON

SECOND DECLARATION OF JOHN N.
VINSON - 1
(Case No. 2:18-CV-00189 MJP)

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1 I, John N. Vinson, state as follows:

2 1. I am over the age of eighteen and competent to testify herein.

3 2. I am the Chief of Police of the University of Washington Police Department, and
4 also serve as Assistant Vice-President of Student Life.

5 3. My background in law enforcement and duties as Chief are described in my first
6 Declaration, dated February 8, 2018.

7 4. UWPD serves and protects students, staff, faculty, and all people and property
8 within the University community. Law enforcement officers are on duty 24 hours a day, every
9 day of the year to maintain safety and security during normal campus operations.

10 5. UWPD regularly provides special event security for a broad variety of special
11 events on campus. As part of this, UWPD provides security, as needed, for events hosted by
12 Registered Student Organizations (RSOs). Providing special event security typically is in
13 addition to UWPD's regular day-to-day operations ("enhanced security") and may include
14 utilizing additional law enforcement officers, imposing access controls or security checkpoints,
15 or establishing buffer zones around the venue.

16 6. The cost to UWPD of providing enhanced security has increased significantly
17 over the past three years. In the first half of FY 2017-18, UWPD charged RSOs, official student
18 government, and academic, administrative, and other University departments more than \$1.5
19 million for providing enhanced security. At this pace, charges for FY 2017-18 will total
20 approximately \$3.0 million—a 36% increase from FY2016-17 (\$2.2 million) and a 100%
21 increase from FY 2015-16 (\$1.5 million).

22 7. UWPD's security planning process for campus events ensures safety and security
23 for event participants, the University community, and others who may be on campus during the
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VINSON - 2
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1 event. Over the last 9 years, I am not aware of any instance where I or any other UWPD officer
2 took into account the viewpoint of the host, speaker, or anyone else in determining the
3 necessary security measures for an event or the amount of enhanced security fees charged to a
4 student organization host.

5 8. The development and implementation of a security plan is based on well-
6 developed police techniques but admittedly is not a science. As law enforcement officers, we
7 rely on our expertise to research and analyze a variety of objective factors to determine what
8 security measures are needed. A security plan can include contingencies and, at the event, police
9 officers respond to conditions on the ground. How many police officers are needed for an event
10 depends on event factors, including expected attendance, event logistics, venue characteristics
11 (size, access points, and the like), anticipated disruption or violence by event participants, and
12 past experience at similar events. Under the Protocols, UWPD calculates enhanced security
13 fees for additional officers on a per hour basis using its standard recharge rate, currently
14 \$157.52. I set the recharge rate annually based on the average overtime hourly rate for UWPD
15 officers and UWPD's associated overhead costs.

16 9. I was directly involved in the planning for the Patriot Prayer event held on
17 February 10, 2018. Consistent with the University's Protocols, UWPD researched and
18 evaluated a wide array of objective factors to assess potential threats and develop an appropriate
19 security plan to ensure the safety and security of Gibson, event participants, and members of the
20 campus community.

21 10. I provided the following summary of objective factors we considered in my first
22 Declaration. These factors include,

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VINSON - 3
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- a. **Date:** the date of the planned event, including other events scheduled for the same day, which currently included
 - i. 51st Annual Lunar New Year Gala, hosted by the Chinese Student Association , expecting over 750 people, rehearsal at noon, event starts at 7 p.m., Kane Hall (which is on Red Square);
 - ii. ASUW 10th Annual Everybody Every Body Fashion Show 2018, 9 a.m. – 10 p.m., HUB;
 - iii. 2018 Heritage Language Symposium, 9 a.m. – 4 p.m., Mary Gates Hall;
 - iv. UWiB Closing the Gap Conference, 10 a.m. – 12 p.m., Boeing Auditorium;
 - v. Free Family Weekend Walks – Winter Safari, 1 – 2:30 p.m., Washington Park Arboretum; and
 - vi. UW Gymnastics Sustainability Games, 1:30 p.m. start, Alaska Airlines Arena;
 - vii. The Blank Monologues, 7:00 p.m. start, HUB;
 - viii. Young, Gifted, and Black, all-day conference, PACCAR;
- b. **Location:** Red Square, which is a location with multiple points of ingress and egress that presents security challenges due to its configuration, access to multiple nearby buildings, and central location on campus;
- c. **Time.** The time of the planned event, including whether it is scheduled to occur during daylight hours: this event is scheduled from 1:00 p.m. – 4:00 p.m.;

SECOND DECLARATION OF JOHN N.

VINSON - 4

(Case No. 2:18-CV-00189 MJP)

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- 1 d. **Size.** The size of the planned event, which UWPD estimated between 100-
2 500 individuals based on representations from the College Republicans, social
3 media responses to College Republican postings relating to the event, and
4 UWPD and SPD experience;
- 5 e. **Outside Speaker/Group.** UWPD considers whether an outside speaker or
6 group are being invited onto campus for an event, or the planned gathering is
7 solely of UW students, faculty, and other community members;
- 8 f. **Other Events by Same Group.** UWPD researched other events involving
9 Patriot Prayer, both within the City of Seattle and nationwide, and actions by
10 the supporters at those events, including:
11 i. August 13, 2017, Freedom Rally (Seattle)
12 ii. August 28, 2017, News Conference (San Francisco)
13 iii. September 10, 2017, Peaceful Vancouver Freedom March (Vancouver,
14 WA)
15 iv. October 15, 2017, Support the American Flag (Salem, OR)
16 v. December 9, 2017, March for Kate Steinle (Portland)
17 vi. January 27, 2018, Patriot Prayer at Planned Parenthood Rally
18 (Olympia)

22 As part of its research, UWPD reviewed after action reports drafted by the law
23 enforcement departments that provided security for the Seattle and Olympia
24 events;

1 g. **Threats to Speaker/Group.** UWPD researched threats to the speaker or
2 group hosting the event. In this case, there appear to routinely be assaults
3 against Joey Gibson at prior events, including:

- 4 i. January 27, 2018, rally in Olympia where he was pepper sprayed
5 ii. August 27, 2017, rally in Berkeley where he was assaulted and pepper
6 sprayed
7 iii. Late May-early June, 2017, when Gibson publically acknowledged
8 receiving multiple death threats

9
10 UWPD takes these assaults and threats to life into consideration in
11 determining the security presence needed to keep the speaker safe while he is
12 present on campus.

13 h. **Relevant Current Events.** UWPD also examines relevant current events
14 expected to influence the amount of security needed for a planned event. On
15 January 20, 2018, a group of protesters were present in Red Square,
16 unsponsored, commemorating the shooting of their colleague during the Milo
17 Yiannopoulos event. Members of the College Republicans chose to set up a
18 table in Red Square during that event and interact in a way with members of
19 the protest that required UWPD to separate the groups. UWPD expects that
20 members of the College Republicans may act in a similar manner toward any
21 protesters present during the Patriot Prayer event, requiring UWPD to protect
22 the College Republicans and its supporters.

23 i. **Weapons Risks.** UWPD also reviews whether there are any concerns relating
24 to weapons at a planned event.
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26 SECOND DECLARATION OF JOHN N.
27 VINSON - 6
(Case No. 2:18-CV-00189 MJP)

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- 1 i. Patriot Prayer is a group that has members who have engaged in open
2 carry in the past. The University of Washington prohibits firearms on
3 campus, and an identifiable risk that individuals will bring firearms on
4 campus increases the security threat that must be addressed;
- 5 ii. One of the groups that supports Patriot Prayer is known as the Proud
6 Boys. Proud Boys has a history of carrying weapons – both firearms
7 and homemade weapons. UWPD had reason to believe that this group
8 may appear at the event. The possibility that this may occur increases
9 security needed for the event.

11 11. In developing the security plan, UWPD considered information from open
12 sources compiled by Sue Carr, the Strategic Initiatives and External Relations Manager. Carr is
13 responsible for researching and monitoring open sources on the Internet in connection with
14 upcoming events. She created a document that summarized and compiled a representative
15 sample of information from her investigation. She emailed updated versions of that document
16 prior to the event, and also kept me apprised of any new developments. I personally reviewed
17 and analyzed the information provided by Carr, taking into account the reliability of the source
18 of the information. Carr provided information about Patriot Prayer, its supporters, and
19 opposition groups at prior events and social media postings about the rally. UWPD did not rely
20 on the information about these groups' viewpoints in developing the security plan. UWPD used
21 information about the conduct of Patriot Prayer and its supporters and attacks on them at past
22 events in determining what resources would be necessary to protect Gibson and event attendees
23 and keep them away from the counter-protestors. I discussed information about the opposition
24 groups that Carr provided with the SPD, which had responsibility for maintaining the area
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SECOND DECLARATION OF JOHN N.
VINSON - 7
(Case No. 2:18-CV-00189 MJP)

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1 designated for counter-protestors, but UWPD did not rely on this information in determining
2 how many of its officers would be needed to protect and contain Gibson and event attendees.

3 12. UWPD Officer Stefan Pentcholov was in contact with the FBI multiple times each
4 day that week to confirm that the FBI's intelligence was consistent with publicly available
5 information that UWPD was relying on, including the risk that Patriot Prayer supporters the
6 event might be armed. Officer Pentcholov provided me with regular updates about these
7 communications with the FBI.

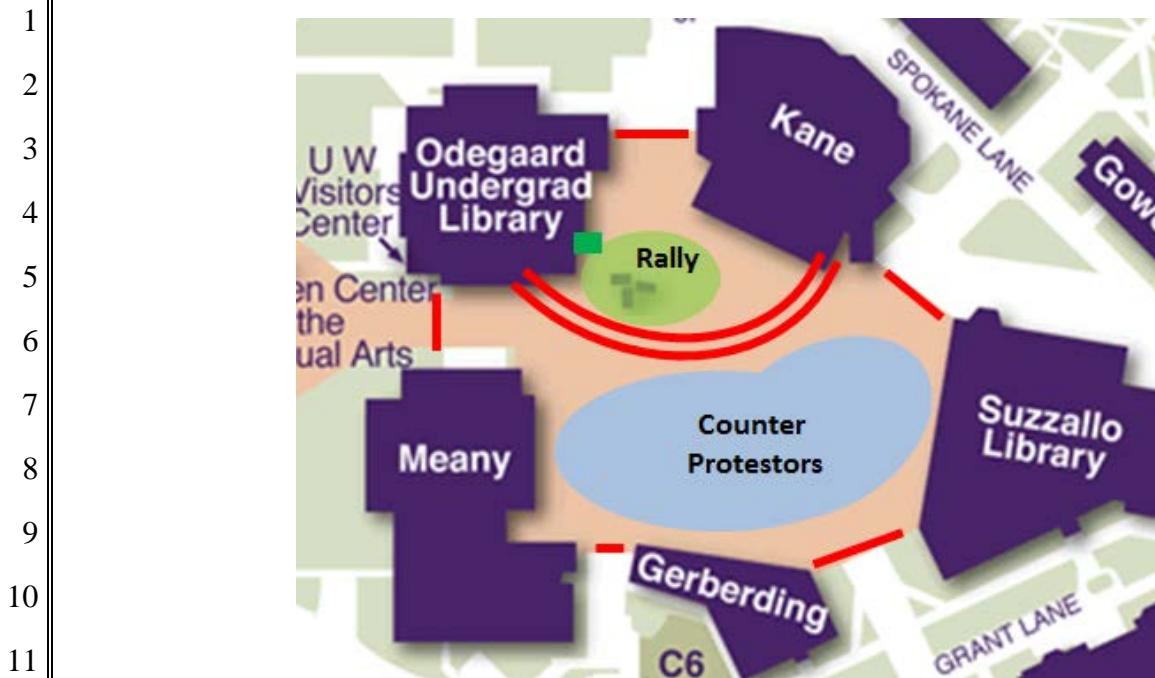
9 13. In the week leading up to the event, I met daily with UWPD leadership to discuss
10 the event security plan, including the number of officers, necessary equipment like barriers and
11 lighting, and coordination with SPD and other law enforcement. Under my supervision, the
12 leadership team modified the security plan as appropriate based on any new intelligence and/or
13 changes to the College Republicans' plans, such as whether attendees would march through
14 campus prior to or after Gibson's talk.

16 14. Based on experiences at prior Patriot Prayer events and the collective experience
17 of the UWPD leadership team, UWPD decided to separate Gibson and event attendees from
18 counter-protestors with physical barriers creating a fifteen-foot separation. This is a high-level
19 depiction of the security plan for Red Square:

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SECOND DECLARATION OF JOHN N.
VINSON - 8
(Case No. 2:18-CV-00189 MJP)

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This map is for illustrative purposes only. It is not drawn to scale.

15. UWPD took responsibility for the safety and conduct of Gibson and rally participants, while SPD did the same for the counter protestors. In light of this and based on UWPD's experience from the College Republicans' Yiannopoulos event and information about prior events involving Patriot Prayer, UWPD decided to place barricades separating the rally participants and the counter protestors. UWPD determined where to place the barricades based on the amount of space needed to accommodate anticipated attendance (approximately 100-500), the physical characteristics of Red Square (buildings along the perimeter, access points, stairs, etc.), and event logistics (speaker's route to and from event, etc.). Given the potential for participants carrying weapons, UWPD also stationed officers at the entrances to Red Square to enforce the University's weapon-ban. SPD provided even more officers at each of the access points.

SECOND DECLARATION OF JOHN N.
VINSON - 9
(Case No. 2:18-CV-00189 MJP)

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1 16. The above description is a general overview of the security plan for the event.
2 There are additional parts and details of security plan that UWPD cannot disclose to the public
3 without threatening its ability to keep the University's campus safe and secure.

4 17. As provided for under the Protocols, UWPD provided the College Republicans an
5 estimate of enhanced security in advance of the event. Based on then-current intelligence and
6 analysis, UWPD estimated that it would need 24 officers to implement the security plan to
7 protect Gibson and rally participants and keep them on their side of the barrier for a 4.5-hour
8 period of time and control access points to Red Square. After providing this estimate, UWPD
9 increased the number of necessary UWPD police officers to 30 officers based on new
10 intelligence. The number of officers took into account the length and location of the barriers,
11 the number of access points to Red Square, the size of the space designated for the rally
12 participants, among other things. For example, UWPD determined that it would need 4 to 5
13 police officers to check for weapons at the 4 access points. In this way, the overall security plan
14 evolves as more information is learned that in turn drives the necessary number of officers.
15 Because of the division of responsibility between UWPD and SPD, the number of UWPD
16 officers was based on UWPD's analysis of the likely conduct of Gibson and event attendees, not
17 the counter protestors.

18. I was present at the Freedom Rally on February 10, 2018. I was part of the
19 incident command, right outside of Kane Hall, observing the entire event. There were 30
20 UWPD officers on duty. There were even more SPD officers handling the counter protesters.
21 UWPD incurred approximately \$32,000 in total expenses.

22. At least three Patriot Prayer and/or Proud Boys decided to go around the barriers
23 to physically confront counter protestors and, as a result, fights ensued. Law enforcement
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25 SECOND DECLARATION OF JOHN N.
26 VINSON - 10
27 (Case No. 2:18-CV-00189 MJP)

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1 arrested five people and confiscated multiple potentially dangerous instruments, including a box
2 cutter, wooden sticks, and PVC pipe. There were at least two reports of armed individuals
3 attending the rally but the police were unable to verify the reports.

4
5 I declare under penalty of perjury under the laws of the State of Washington that the
6 foregoing is true and correct to the best of my knowledge.

7 Dated this 27 day of March, 2018.

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10 JOHN N. VINSON
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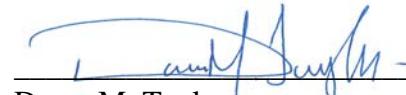
SECOND DECLARATION OF JOHN N.
VINSON - 11
(Case No. 2:18-CV-00189 MJP)

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 27th day of March, 2018, I electronically filed the foregoing
3 document with the Clerk of the United States District Court using the CM/ECF system which
4 will send notification of such filing to all parties who are registered with the CM/ECF system.

5 DATED this 27th day of March, 2018.

6 
7 Dawn M. Taylor